

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte STANISLAW R. BURZYNSKI

Application No. 09/603,320

**ORDER VACATING BOARD OF PATENT APPEALS AND
INTERFERENCES DOCKETING NOTICE**

MAILED

JAN 29 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

This application was originally received at the Board of Patent Appeals and Interferences on October 2, 2002.

A review of the application had previously revealed that the application was not ready for docketing as an appeal. The application was to be returned to the examiner to allow him to do one of two things: (1) reopen prosecution in order to respond to the Reply Brief (Paper No. 12), or (2) vacate the original Notice of Entry of Reply Brief (Paper No. 13) and issue a new Notice of Entry of Reply Brief without the rebuttal paragraphs.

Application No. 09/603,320

On October 31, 2002, an Appeal Number was erroneously assigned to this application and a docketing notice was prepared and mailed in error. In light of this error, the Appeal Number has been removed from the records. Accordingly, we vacate the docketing notice and return this application to the examiner to comply with the order dated October 29, 2002.

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration and proper response to Paper No. 12, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

Dale M. Shaw
Program and Resource Administrator
(703) 308-9797

Application No. 09/603,320

Matthew L. Madsen
Howrey, Simon, Arnold & White, LLP
750 Bering Drive
Houston, TX 77057-2198

dem
RA-03-0036